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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,417	06/20/2002	Kim Rishøj Pedersen	GRP-0010	1154
23413 7590 05/14/2008 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER				
MEL XU				
ART UNIT		PAPER NUMBER		
2615				
MAIL DATE		DELIVERY MODE		
05/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/049,417

**Applicant(s)**

PEDERSEN ET AL.

**Examiner**

Xu Mei

**Art Unit**

2615

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12, 15, 28 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 15, 28 and 31-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 03/13/2008.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12, 15, 31 and 34-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Moorer (US-6,072,878).

Regarding claims 12 and 42, Moorer in Figs. 1 and 3 discloses a method of processing audio signals (17, 19) or establishing a room response (listening area of a room, col. 3, line 18-31) from processing audio signal, wherein the audio signals comprising a first sub-signals (sub-signals S1-S5 of 17) and a second sub-signal (sub-signals S1-S5 of 19), each of the sub-signals comprising N components, each of said N components representing a direction (angles  $\Phi$  and  $\Theta$  is components representing a direction of sub-signals S1-S5); the method including adding the sub-signals (adders 39-43) to form a sum-signal comprising N sum-components, each of said sum-

components being the sum component of components of the first and second sub-signals component presenting corresponding directions (each of components of signal 17 + each of components of signal 19; see also col. 4, line 61-col. 5, line 24); and subsequently rendering the sum-signal (sum-signal S1-S5 are rendered or yielded or produced subsequently from adder 39-43).

For what's called for in claim 15, see col. 3, line 29.

Regarding claim 31, the components of signal S1 of 17 is uncorrelated to signal S2 of 19, for example.

Regarding claim 34, the position or angular direction for audio signals as shown in Fig. 1 are in three dimensional space or in three dimensional directions.

For what's called for in claims 35-38, see angles  $\Phi$  and  $\Theta$  of Fig. 1 as they are being applied to the audio signals of 17 and 19, where it shows angular relation to a common reference plane.

Regarding claim 39-41, it's clear that the sound directional distribution with regard to the sound source 13 as shown in Fig. 1 is having a larger proportion of directions in areas with a relatively high density of sound signals then in areas with a relative low proportion of sound signals (i.e., areas that do not have sound source); or with a larger proportion of directions in areas in which human perception of sound signals is relatively sharp (i.e., area that sound source being positioned is having a better or louder human perception of sound signal then the areas without).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moorer.

Regarding claims 28 and 32-33, Moorer discloses the method for processing audio signal as discussed in claims 12 above, but fails to disclose a specific numbers of components as claimed. Moorer discloses the audio processing method as in Fig. 1 having an exemplary sound position 13, but indicated other sounds that are desired to be simultaneously positioned at other angles (i.e., other directional components for the desired signals). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to realize that the desired numbers of components can also be simulated by the teaching of Moorer with the audio signals being desired to be simultaneously positioned at other angles, i.e., other directions.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/  
Primary Examiner, Art Unit 2615  
05/06/2008